

ADRIENNE C. PUBLICOVER (SBN 161432)
MICHAEL K. BRISBIN (SBN 169495)
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
525 Market Street, 17th Floor
San Francisco, CA 94105
Telephone: (415) 433-0990
Facsimile: (415) 434-1370

Attorneys for Plaintiff

PRINCIPAL LIFE INSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

PRINCIPAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

VINA CUESTA STATUA, INOCENCIO S.
AMBE, CORAZON AMBE CABALES,
ESTELA D. REED, and DOES 1-10,

Defendants.

Case No. C07-04915 (CW)

**PLAINTIFF PRINCIPAL LIFE
INSURANCE COMPANY'S SECOND
REQUEST TO ENTER THE DEFAULT OF
DEFENDANT CORAZON AMBE
CABALES**

[F.R.C.P. 55(a)]

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION:**

Plaintiff PRINCIPAL LIFE INSURANCE COMPANY ("PRINCIPAL LIFE") again requests the Clerk of this Court enter the default of Defendant CORAZON AMBE CABALES ("CORAZON CABALES") for her failure to plead or otherwise defend herself in a timely manner, as provided for by Rule 55(a) of the Federal Rules of Civil Procedure.

This request is based on the attached Declaration of Michael K. Brisbin, which shows the following:

1. On September 21, 2007 Plaintiff PRINCIPAL LIFE filed its Complaint in Interpleader and for Declaratory Relief against Defendants VINA CUESTA STATUA,

Plaintiff Principal Life's Second Request to Enter the Default of Defendant Corazon Cabales
Case No.: C07-04915 (CW)

1 INOCENCIO S. AMBE, CORZAON AMBE CABALES, ESTELA D. REED, and DOES 1-10.
2 A true and correct copy is attached to the Declaration of Michael Brisbin ("Brisbin
3 Declaration") as **Exhibit A**.

4 2. All other required Court documents were also filed on September 21, 2007.

5 3. On October 4, 2007 Michael Brisbin, counsel for PRINCIPAL LIFE, caused to
6 be served upon each of the Defendants listed in Paragraph 1, the Complaint, Notice of Lawsuit,
7 Waiver of Service of Summons, Notice of Assignment, Summons, Notice of Deposit, Notice of
8 Interested Parties, Clerk's receipt for interpled monies, and all other Court issued documents.
9 The Proof of Service also filed on October 4, 2007 is attached to the Brisbin Declaration as
10 **Exhibit B**. A letter also sent to Defendant CORAZON CABALES on October 4, 2007,
11 regarding her obligations, is attached as **Exhibit B**.

12 4. After serving the documents listed in paragraph 4 on Defendant CORAZON
13 CABALES, neither my office nor me has received any returned documents due to a wrong
14 address, documents undeliverable, moved, does not reside here, or for any other reason.

15 5. PRINCIPAL LIFE used an address given to them by Defendant CORAZON
16 CABALES as listed on her Beneficiary's Statement. Attached, to the Brisbin Declaration as
17 **Exhibit C**, is a true and correct copy of the Beneficiary Statement provided by Defendant
18 CORAZON CABALES listing her address as 14323 Merced Street, San Leandro, California;
19 the address listed on the filed Proof of Service.

20 6. PRINCIPAL LIFE sought the default of Defendant CORAZON CABALES on
21 January 11, 2008. The Court Clerk denied PRINCIPAL LIFE'S first request because Defendant
22 CORAZON CABALES had not been personally served or served by publication.

23 7. Following receipt of the Court's declination, PRINCIPAL LIFE completed
24 personal/ substituted service on Defendant CORAZON CABALES through a process server.
25 Said personal/ substitute service, pursuant to FRCP 4, was accomplished on Sunday, January
26 20, 2008. The Proof of Service confirming personal/ substitute service was filed with the Court
27 on January 28, 2008. A true and correct copy of the Proof of Service is attached to the Brisbin
28 Declaration as **Exhibit D**.

1 8. Defendant CORAZON CABALES had a minimum of 20 days and a maximum
2 of 30 days from being served to file an answer. Defendant CORAZON CABALES has failed to
3 file an answer and it has been more than 30 days since she was served with the Complaint and
4 all associated Court filed or issued documents.

5 9. Defendant CABALES has failed to file any responsive pleading or any other
6 document by February 20, 2008 that would signal her intent to make an appearance at any time
7 during this litigation.

8 10. As of February 28, 2008 Defendant CABALES has still failed to file a
9 responsive pleading, seek an extension, request a dismissal, or make an appearance with the
10 Court, indicating her intent to participate in this litigation.

11 11. Thus, Defendant CABALES has failed to plead or otherwise respond to Plaintiff
12 PRINCIPAL LIFE'S Complaint filed on September 21, 2007.

13 12. The applicable time limit for Defendant CORAZON CABALES to file a
14 responsive pleading has expired.

15 13. Defendant CORAZON CABALES is not an infant, as her date of birth is
16 December 10, 1946 (*See Exhibit C*), she is not incompetent, and not in the military service.

17
18 Date: February 27, 2008

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP

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20
21 By: 

Adrienne C. Publicover

Michael K. Brisbin

Attorneys for Plaintiff

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23 **PRINCIPAL LIFE INSURANCE COMPANY**

PROOF OF SERVICE

I am a citizen of the United States, I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 Market Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s).

1. **PLAINTIFF PRINCIPAL LIFE INSURANCE COMPANY'S SECOND REQUEST TO ENTER THE DEFAULT OF DEFENDANT CORAZON AMBE CABALES; and**
2. **DECLARATION OF MICHAEL BRISBIN IN SUPPORT OF PLAINTIFF PRINCIPAL LIFE INSURANCE COMPANY'S SECOND REQUEST TO ENTER THE DEFAULT OF DEFENDANT CORAZON AMBE CABALES**

on the party(ies) identified below, and/or through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

XX: **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

Corazon Ambe Cabales
14323 Merced Street
San Leandro, CA 94579
Defendant

Inocencio S. Ambe
907 Paroba Street
Santa Maria, Sta. Ana
2022 Pampanga, Philippines
Defendant

XX: Per order of the Court I caused service to be accomplished on all parties through **CM/ECF File and Serve** for the Northern District of California:

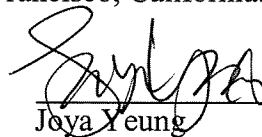
Marc Joseph Cardinal mjc@devrieslawgroup.com

Montie S. Day Oyad@aol.com

Daniel J. De Vries DJDV@DeVriesLawGroup.com, cbj@devrieslawgroup.com,
jma@devrieslawgroup.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **February 28, 2008**, at San Francisco, California.


Joya Yeung